



RE: TMDL policy meeting

1 message

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Helen thanks for covering the TMDL policy meeting. I know how fun it is (n't) to go to meetings and get kicked by timber and ag interests. Good notes. The CZARA/ODF discussion confirms what EPA heard in a 1/22 meeting with ODF and DEQ on the riparian rule and in other meetings with DEQ.

- The State will not have adopted additional management measures for forestry by the May 15 CZARA final decision deadline
- Significant progress will have been made on increased riparian protection for small and medium fish streams but that final rule won't likely be adopted by May 15th and increased type N stream protection won't be included in the final ODF riparian rule

(b)(5) Deliberative



***The key State question re: CZARA (expanded a bit) is: If the increased riparian protection rulemaking is under way and the rule options look viable from a WQ/BU perspective, and if OSDS and new development MMs/programs are in place or imminent, would substantive State progress delay making the final EPA and NOAA decision?

Comments made at the TMDL Policy meeting raise concerns about the State's progress on the CZARA front. DEQ comments at the meeting regarding whether the CZARA "requirements are suitable for Oregon since they are based on practices in WA state which is more urban" indicate that the State has not shifted from its position that OR's land use laws and the voluntary OR Plan combined with the existing coastal nonpoint source program in OR constitute an adequate CNPCP. EPA and NOAA executives sent a clear message at the federal agency meeting with the Gov's Office and State agency directors that EPA/NOAA do not agree with State position and that the State would have to address the identified CNPCP shortcomings to have an approvable program.

One last thought regarding agriculture...ODA's strategy to improve compliance in the Ag arena by using publically accessible aerial photos and follow-up with field checks would be an improvement over the current public complaint system used to trigger compliance and enforcement efforts. Challenges to this stragegy include timing (pilot in two watersheds outside of the CZM will take 4 years); existing data quality and coverage; the lack of \$ for monitoring; and an ODA reluctance to take enforcement actions...although ODA has taken some significant enforcement actions.

Expect OFIC, other timber industry interests, and agriculatural interests to vehemently oppose federal agency (and DEQ) efforts in the CZARA, TMDL, and WQS arenas.
